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7 Phone: (206) 689-8500

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 AMERICAN CASUALTY CO. OF
11 READING, PA,

12 Plaintiff,

13 vs.

14 OASIS PHYSICAL THERAPY,
15 PLLC, MINDI IRVINE, LANCE
16 IRVINE, RAFAT SHIRINZADEH
17 and YVONNE SHIRINZADEH,
18 KELLY COX, SUSAN TABER and
19 ANGELA HART,

20 Defendants.

No. CV-08-5077 LRS

**DECLARATION OF PATRICK
S. BRADY IN SUPPORT OF
AMERICAN CASUALTY'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

**NOTED FOR HEARING:
JULY 9, 2009 AT 2:30 P.M. IN
RICHLAND**

21 Patrick S. Brady declares as follows:

22 1. I am one of the attorneys representing the plaintiff American
23 Casualty Co. of Reading, PA in the above-entitled action. I am over the age of
majority and competent to testify to the matters stated herein.

2. Exhibit 1 to this complaint is a true and correct copy of a Complaint
filed by Angela Hart against Oasis Physical Therapy, Mindi Irvine, Rafat

1 Shirinzadeh, and spouses, in United States District Court, Eastern District of
2 Washington, Cause No. CV-08-5040-RHW, July 2008. (Exhibit 1 to Hart's
3 Complaint is Washington Department of Health (DOH), Board of Physical
4 Therapy, Findings of Fact, Conclusions of Law and Final Order In the Matter of
5 Rafat Shirinzadeh, dated October 26, 2007. Exhibit 2 to the Hart Complaint is
6 Stipulated Findings of Fact, Conclusions of Law, and Agreed Order In the Matter
7 of Melinda Irvine. All pages in the Hart Complaint and its exhibits are numbered
8 consecutively in the lower right-hand corner.
9

10 3. Exhibit 2 to this declaration is a true and correct copy of Kelly Cox's
11 Amended Complaint for Damages against Oasis Physical Therapy, Irvine, and
12 Shirinzadeh, Superior Court, Franklin County, Cause No. 07-2-51193-1,
13 December 2007. (Attachment A to Cox's Amended Complaint is Findings of
14 Fact, Conclusions of Law and Final Order in the matter of Shirinzadeh.)
15

16 4. Exhibit 3 to this declaration is a true and correct copy of American
17 Casualty's Healthcare Providers Professional Liability Insurance Policy No.
18 0252126267, issued to Oasis Physical Therapy, policy period 10/15/03 to
19 10/15/04. Pages are Bates numbered in the lower right-hand corner.
20

21 5. Exhibit 4 to this declaration is a true and correct copy of American
22 Casualty's Healthcare Providers Professional Liability Insurance Policy No.
23

1 0252126267, issued to Oasis Physical Therapy, policy period 10/15/04 to
2 10/15/05. Pages are Bates numbered in the lower right-hand corner.

3 6. Exhibit 5 to this declaration is a true and copy of American
4 Casualty's Healthcare Providers Professional Liability Insurance Policy No.
5 0252126267, issued to Oasis Physical Therapy, policy period 10/15/05 to
6 10/15/06. Pages are Bates numbered in the lower right-hand corner.

7 7. Exhibit 6 to this declaration is a true and copy of American
8 Casualty's Healthcare Providers Professional Liability Insurance Policy No.
9 0252126267, issued to Oasis Physical Therapy, policy period 10/15/06 to
10 10/15/07. Pages are Bates numbered in the lower right-hand corner.

11 8. Exhibit 7 to this declaration is a true and copy of a January 17, 2008
12 letter from Norene Quam, CNA, to Michael O'Donnell.

13 9. Exhibit 8 to this declaration is a true and correct copy of a July 15,
14 2008 letter from Mike Dorr, CNA, to Melinda Irvine and Christopher J. Mertens.

15 10. Exhibit 9 to this declaration is a true and correct copy of a July 15,
16 2008 letter from Norene Quam, CNA, to Rafat Shirinzadeh and Michael
17 O'Donnell.

18 11. Exhibit 10 to this declaration is a true and correct copy of an August
19 19, 2008 letter from Mike Dorr, CNA, to Melinda Irvine and Christopher J.
20

1 Mertens.

2 12. Exhibit 11 to this declaration is a true and correct copy of an August
3 25, 2008 letter from Norene Quam, CNA, to Rafat Shirinzadeh and Michael
4 O'Donnell.

5
6 13. Exhibit 12 to this declaration is a true and correct copy of pertinent
7 pages from American Casualty's Amended Complaint for Declaratory Relief in
8 this action.

9 14. Exhibit 13 to this declaration is a true and correct copy of pertinent
10 pages from defendants Cox, Taber, and Hart's answer to Plaintiff's Complaint for
11 Declaratory Judgment, in this action.

12
13 15. Exhibit 14 to this declaration is a true and correct copy of pertinent
14 pages from Answer, Affirmative Defenses, and Jury Demand of Defendants Rafat
15 and Yvonne Shirinzadeh, in this action.

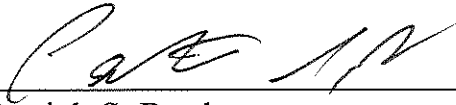
16 16. Exhibit 15 to this declaration is a true and correct copy of pertinent
17 pages from Defendant Oasis Physical Therapy, PLLC, Mindi Irvine, and Lance
18 Irvine's Answer to Amended Complaint for Declaratory Relief, Affirmative
19 Defenses, and Counterclaim, in this action.

20
21 //

22 //
23

1 I declare under penalty of perjury under the laws of the State of
2 Washington that the foregoing is true and correct.

3 DATED at Seattle, Washington this 1st day of May, 2009.

4 
5 _____
6 Patrick S. Brady

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing DECLARATION OF PATRICK S. BRADY IN SUPPORT OF AMERICAN CASUALTY'S MOTION FOR PARTIAL SUMMARY JUDGMENT on the following individuals in the manner indicated:

Ms. Beth A. Terrell
Ms. Jennifer Rust Murray
Terrell Marshall & Daudt, PLLC
3600 Fremont Ave. N.
Seattle, WA 98103

Mr. Christopher J. Mertens
Miller Mertens & Spanner, PLLC
1020 N. Center Parkway, Suite B
Kennewick, WA 99336-7161

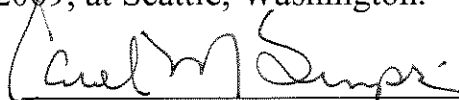
(X) Via ECF

(X) Via ECF

Rafat and Yvonne Shirinzadeh
4616 W. Wernett Rd.
Pasco, WA 99301

(X) Via U.S. Mail

SIGNED this 1st day of May, 2009, at Seattle, Washington.


Carol M. Simpson